13

Filed July 2d 1839

Statement by

Dr Hart made in

compliance with

the call of the

Commissioners

T. J

Thos. Slidell Esqr.

New Orleans 2 July 1839 –

Sir,

In the communication presented to you last evening by the Melter & Refiner, containing charges & proofs against me of false assays, of gross direlection of duty, & of violation of my oath of office, in making reports of the standard of Bullion without having made the Assays, the charges indeed are numerous, although of proof – there is absolutely none.

The Melter & Refiner intimates that a report on assay pieces sent from this Mint in June 1838 first induced him to believe that errors in assaying had been made; The gentleman is mistaken; his charges & attacks were simultaneous with my assays, beginning in the month of March 1838 & continuing to the present time.

In June 1838, the M & R wrote to Mr Bradford that I had reported on part of Lizardi's deposite of 12th. April as follows,

51	——	984	Silver	14	Gold
52	——	998	"		
53	——	990	"	8	"
54	——	984	"	14	"

& that he suspected error; a re-assay was called for of Nos 51 & 53 which resulted as follows,

51 – 970 Silver 6 Gold & No 53 – 980 Silver 6 Gold

He then reported an error of 20 oz Gold & 17 oz Silver –

In the weighing room, when I cut off the assay pieces to make the re-assay, the bullion had entirely changed its appearance, it had been rolled out into narrow thin strips, so that from its physical appearance, or by any mark or number on it, it was impossible to identify it; I asked the M & R what bullion it was; he professed to be ignorant on the subject in the presence of Derick & Nixon, & yet as soon as he received my report of the re assays, he was able to identify the bullion, he then knew all about it; Subsequently he acknowledged to Mr Bradford that Humphreys had mixed the Bullion, & Mr Bradford on oath has testified to this fact. I am unable to reconcile these conflicting statements.

About that time, including the error alluded to above,

I was charged with a sum total of 4 ℔s of Gold lost by false apaying. I must here repeat that on the settlement of accounts between the Treasurer & the M & R just before the busines of the Mint was suspended, the Gold acct was critically right, & the M & R stated that he had no doubt but that the Silver account would prove equally correct, which facts Mr Bradford communicated to Dr Paterson. Mr Maxwell says that the Gold found in No 52 was brought into his account on settlement about the 1st August, & that the Melts No 61 & 63 were returned to the Treasurer at the first apay, & that the Superintendent & apayer knew this fact. This is not true, a transfer was made to the Treasurer before the M & R went to the North, but what particular Bullion that had been deposited remained on hands at that time, neither the Superintendent nor the apayer knew, & I do not believe that the M & R himself knew. It is not true that the last four melts of Dis, and dis deposite were returned at an average of 998 ℔. My report was 984, 998, 990, & 984. It is not true that I averaged without apaying any part of that deposite, or that I failed to apay carefully any part of it. It was all apayed in the oven, the Gold was separated from the Melts that contained Gold, & then the whole was confirmed by the humid apay. Mr Nixon can be sworn to establish this fact.

Again the M & R says "on the 12 April I received from the Treasurer 21 Melts of Silver, in the aggregate amounting to 38 oz 950 – the standard reported was 999 – I melted into ingots & lost more than one half." – The M & R must certainly be mistaken here; a loss of one half of that deposite would amount to 19 oz 475 Silver. I apayed the whole of that depositie most carefully; & one of it was under 999 & the greater part exhibited only the difference of a trace when compared with the test of fine Silver. "The M & R complained that I had apayed too closely, that he had lost by it, & that he could not stand it. I was satisfied that I had not made such

an allowance in his favor, as would cover the loss of Silver during the operations necessary to prepare it for ingots, & on the next deposite of the same persons, I deducted 2 ℔ of which I informed the Md R, & received the courteous reply on paper "a weak invention of the enemy". It is customary in all the Mints for Assayers to make a deduction to sustain the loss of Silver in melting, & the Md R knows that in Philadelphia there was a considerable loss of Silver the last year he was there, even after several lbs had been scraped up in the roof- In London & Paris the Assayers deduct from 1 to 2 ℔ on Silver deposites- & I would remark that as the Assayer may calculate the loss in melting from the peculiar quality of the Silver, so should he determine the deduction to be made. In the case alluded to above, the deduction of 2 ℔ in the second deposite, only compensated for the failure to deduct in the first instance." The Md R never gave me to understand directly nor indirectly that he would not countenance such proceeding; On the contrary he always professed to be well pleased to have reasonable deductions made in his favor altho' now he says he knows of no law that authorises it. Again, the Md R says, "On the 16 May 1838 I rec'd melts 63, 64, 65, 66, 67, 68, in which the Gold is averaged" I repeat that the Gold was not averaged, that it was assayed in the usual way- first by the Oven, then the Gold was separated, & finally by the humid assay; the results of Gold happened to be alike, & as they were so, I preferred making One calculation instead of Six.

Again, on the 6th July I received 20 melts of Silver averaged at 996' Every melt of that Silver was fairly & carefully assayed, & the titles being the same, the one calculation was again preferred to 20 calculations. The Md R observes that the deduction of 2 ℔ from the deposite of 6 July, is equal to 84 oz Standard Silver

What then has become of those 64 Oz Silver. Has any one of his accounts showed an excess of that amount of Silver.? Certainly not - On every settlement, he has availed himself of the Wastage allowed, to the utmost limit of the Law, & therefore his remark that he is asked for no allowance of wastage cannot be true, & if his accounts have not shown an excess of 64 Oz Silver, then it is certain that he did require the deduction made for wastage of 2 ½ & that he did waste the 64 Oz in melting & preparing for ingots

Before I close this part of the Subject, I must return to the first case of Lizardi in June 1838 Mr Bradford informs me that shortly after the difficulty had occurred, Mr Maxwell told him that he was satisfied that all was right, that there had been no loss - This, Mr Bradford immediately communicated to Dr Paterson as pleasing intelligence, & then soon followed the settlement with the Treasurer.

When the operations of the Mint commenced in 1838 apay pieces of deposites Ingots were sent to Philadelphia to confirm or condemn my apays - The report from Philadelphia was termed satisfactory by Mr Eckfeldt. The apays by Dr Paterson - at the annual meeting of Commissioners & at the Mint in Philadelphia in 1839 for apaying the reserved coins of the Mint & its Branches, the result for this Branch Mint was very satisfactory both as to title & weight - all of which appears to be very inconsistent with the repeated charge of false apays - And here I would observe that in June 1838 I complained to Mr Bradford that there was some defect in the knife edge of my balance rendering me liable to error in weighing from ½ to 2 Milliems, that the balance was very capricious & gave me much trouble & anxiety. Mr Eyles

examined it, & pronounced it to be defective, & said he would adjust it, & put it in good working condition, so that it would weigh with the utmost accuracy - Mr Tyler has it appears never found time to do this, & in the meantime, I requested Mr Bradford to write to Philadelphia for another balance & to state the reasons - The Director at Philadelphia has not sent another balance, indeed he says that he deems it unnecessary for this Institution, & refers the Tyler to adjust the knife edge - I have mentioned these circumstances & to account for the discrepancies that have prevailed between the assays here & at Philadelphia, although as yet no complaint of those discrepancies has come from Philadelphia.

So far every complaint against me has been one of loss - Now the charge is of excess - The Melter & Refiner represents the excess of Gold as follows

		oz	mo
Jan 25th	1839	12.	180
feb 18		10.	669
apl 2		12,	839
June 3		8.	075
		43.	763
Tempering lop		7.	825
		35.	938

The Melter & Refiner when on oath last evening was asked from what source he derived the entries on the left hand page in the book entitled book of Gold Melts - He replied from the assayers reports, & the weigh book chiefly - the other entries were one of assay pieces - & one of a bar from the refinery - He was then asked if with the exception of these, the others were derived from the assayer's reports & weigh book - He replied they were - Now on that page where

there is exhibited an excess of 12.180 oz of Gold
I find false entries which will account for
10 oz — My return of Gold separated for
Lizardi is as follows — & on Mr Maxwells book

No 22	24.472 oz	15.671
24	13.906	8.698
25	8.779	13.906
	47.157	38.175
		diffce 8.982
		47.157

on the opposite page, No 2 returned by me
as 955 for the larger bar weighing 359 oz and
931 for the small bar of about 43 oz, is calculated
as though there were but one bar weighing 402.05 oz
at the title of 954 — it makes a difference of 1.068 oz
On No 3 there is a variation of 2 ‰ from
my report being 914 instead of 912 — equal .940
and on No 4 it is on the book 384 instead
of 383.50 making a difference .006
2.074

This added to the former makes 11.036 oz — accounting
for that much excess —

But there is another way of accounting for
the excess complained of —

In January 1839, No 2, a melt of Gold from the
Separating room I believe, was divided into two
parcels. I found a difference in the title of these
two bars of the same Melt, both before on paying
& re-paying: — that there was a difference in
them was evident to the eye — the Melter & Refiner
himself saw & acknowledged it, in presence of
Mr Bradford & myself; all which Mr Bradford
has testified to on oath, & that he endeavoured
to extricate himself by remarking that Mr
Bapetto must have put Something in the pot.

Now why was that small melt of Gold

divided into 2 bars? it was to entrap me — How happened the title to be 1/0 different in these two bars of the same melt as 31 millièmes? Can the be satisfied with the reply that Mr Bapett put something in the pot —? Something was put into the pot to produce the difference of title. That something must have weighed more or less, & hence an excess of Gold would result — If Mr Bapett had thrown alloy into a pot of Gold unknown to the M & R — would he have been thereafter retained in the Melter & Refiner's department? — I cannot believe it —

But again, in the case of Kelly's Gold, where 5 Oz were converted into 7 — a question was asked by Mr Baker, the Counsel for the M & R, (& suggested to Mr Baker by the M & R) if in that case the increase of weight by the addition of alloy would not be equivalent to the difference in title, that is, the difference between 892.50, the average title of the German Coins, & 869 the title of Kellys Gold. The witness replied, he had never made the calculation, & it was the first time he had ever heard of alloy being added to a deposite before it was assayed — That question & reply are recorded, & no remark was made at the time the reply was given

I have made the calculation however & it is as follows: 5 Oz at 892,50 are equal to 4.908 of Standard Gold, & 7 Oz at 869 are equal to 6.786, making a difference of 1,827, nearly two Ounces in excess — So that instead of the increase of weight by alloy being equivalent to the difference of title, the depositor would have gained & the Mint would have lost nearly two Ounces of Gold —

Mr Zacharie was called as a witness

RG56 Entry 289 Box 4

yesterday evening, to sustain as I believe the charges of the Melter & Refiner against me; the amount of his testimony however on that point was that a Mexican who had consigned to him a lot of bullion which he had deposited at the Mint, complained that he had lost $1000 in the Gold - I distinctly remember the circumstance In that deposite there was to all appearance Gold bullion containing Silver, after it was melted & previous to assay, it presented the appearance of Silver containing Gold - I explained to Mr Zacharie at the time the nature of the case - I had been informed by a French gentleman who had been assaying for several years at the Mines in Mexico, that such frauds were frequently practised there by plunging the bullion heated to a red heat in a weak solution of Salt petre & Nitric acid - that the acid destroyed the Silver on the surface, leaving the Gold, & giving to the Bullion the appearance of Gold Bullion of good standard - This process had no doubt been resorted to in the case in point - It was fully explained to Mr Zacharie who professed at the time to be satisfied.

I will now in conclusion state that yesterday when my books were called for by the M & R - I objected to his having them 1 - Because I wanted them myself - 2 Because he could not possibly want them for any honorable purpose, as he has or ought to have on his books all the information contained in my books - to wit the Standard & Gross wts & the fineness - 3 Because the Commissioners had stated in writing, that each statements called for, should be made out by the person so called on from the books & records in his own department or office,

without calling for books or papers from another department or office, or any comparison of accts or consultation, & I did not happen to be present when a remark was made permitting the call for books &c & Because after the opinion I have expressed on oath of the characters of the Miller & Refiner, I was unwilling to entrust him with my books—

Respectfully

Wm P. Hort M. D—

Affayer

William P Hort being duly sworn doth depose that the matters set forth in the foregoing statement so far as relates to his own acts & doings are true, & so far as relates to the acts & doings of any other person, or persons & so far as ~~relates to the acts & doings~~ the same contains matters of opinion he believes the same to be true

Sworn & Subscribed
before me this 2d day
of July 1839.

Horatio Davis
Notary

Wm P. Hort, M. D—
Affayer